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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,521	02/23/2004	Craig M. Housworth	P8939.05	1467

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EXAMINER	
LEE, YUN HAENG NMN	

ART UNIT	PAPER NUMBER
3766	

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/784,521	HOUSWORTH ET AL.	
	Examiner	Art Unit	
	Yun H. Lee	3766	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: On line 18, the limitation "the service request" lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3-5, 9-11, 13-15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (US Pat. No. 6,418,346).

Regarding claim 1, Nelson et al. disclose an implantable medical device system, comprising:

an implantable medical device (10) generating uplink telemetry transmissions and receiving downlink telemetry transmissions (119);

an external medical device (20') for receiving uplink telemetry transmissions from the implantable medical device and generating downlink telemetry transmissions to the implantable medical device (119);

a plurality of home appliances (130, 132, 134); and

at least one communication network providing a continuously available communication link (62) between the external medical device and the plurality of home appliances for transferring data from the external medical device to a selected one of the plurality of home appliances; and

a processor (110);

wherein the transferred data comprises a service request corresponding to the selected one of the plurality of home appliances (col. 13 lines 48-50).
Although Nelson et al. are silent about the processor converting the service request to a protocol readable by an operating system of the selected one of the plurality of home appliances, it would have been obvious to have the processor do so. It would be desirable to send the service request in a protocol readable by an operating system of the selected one of the plurality of home appliances since it would otherwise be meaningless to send information that cannot be interpreted at the receiving end. Thus, it would have been obvious to one of ordinary skill in the art to configure the processor of Nelson et al. such that it converts the service request to a protocol readable by an operating system of the selected one of the plurality of home appliances so that time and resources would not be wasted in transferring meaningless data.

Regarding claim 3, Nelson et al. further disclose the implantable medical device system according to claim 1, wherein the plurality of home appliances comprises a personal computing system including a printer (130).

Regarding claim 4, Nelson et al. further disclose the implantable medical device system according to claim 1, wherein the plurality of home appliances comprises a personal communication appliance including one of a cellular phone (132) and a fax machine (134).

Regarding claim 5, Examiner takes Official Notice that it is well known to perform an initialization routine in a network to verify a communication link and to learn the identity of any nodes within the network. Thus, it would have been obvious to one of ordinary skill in the art to use the processor of Nelson et al. to perform an initialization routine to verify the continuously available communication link and to have the external medical device learn the identity of the plurality of home appliances.

Regarding claim 9, Nelson et al. further disclose the implantable medical device system according to claim 1 wherein the processor comprises a memory (108) for storing a plurality of subroutines corresponding to a plurality of service requests (col. 11 lines 4-5).

Regarding claim 10, it would have been an obvious matter of design choice to configure the invention of Nelson et al. such that the plurality of subroutines are stored in Java code and further comprise a Jini header because Applicant has not given any particular criticality to the usage of Java and Jini technology.

Regarding claims 11, 13-15 and 19-21, see the above discussion.

4. Claims 2, 6-8, 12 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (US Pat. No. 6,418,346) in view of Bornn et al. (US Pat. No. 5,348,008).

Regarding claims 2 and 12, Bornn et al. disclose a patient unit (1000) that communicates with a central base station (4000) which in turn communicates with a video recorder (4013). This can be advantageous since a video feed can be used to assist in diagnosis and interactive data exchange. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to include a video recorder for the home appliance of Nelson et al. since a video feed can be used to assist in diagnosis and interactive data exchange.

Regarding claims 6 and 16, Bornn et al. teach of a medical device (1000) that senses a physiological signal of a patient and sends a service request to an external medical device (4000) which generates a patient warning using a telephone link (4002) to provide alerts to a caregiver when life-threatening conditions are detected in the patient. Thus, it would have been obvious to one of ordinary skill in the art to send a service request including a request to generate a patient warning from the external medical device to the cellular phone of Nelson et al. to provide alerts to a caregiver when life-threatening conditions are detected in the patient by the implantable medical device.

Regarding claims 7, 8, 17 and 18, Bornn et al. teach of sending a service request (col. 13 lines 40-41) wherein the service request includes a request to store and transmit real-time data for review (col. 13 lines 43-44). Thus, it would have been obvious to one of ordinary skill in the art to send a service request including a request to store and transmit data using the invention of Nelson et al. to provide real-time data for review.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yun H. Lee whose telephone number is (571) 272-2847. The examiner can normally be reached on M-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert Pezzuto
Supervisory Patent Examiner
Art Unit 3766

yhl